REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added.

Claims 3 and 13 are currently being canceled.

Claims 1, 11 and 15 are currently being amended.

This amendment and reply cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After canceling and amending the claims as set forth above, claims 1, 2, 4-12, 14-17 and 19-21 are now pending in this application for examination on the merits.

Interview with Examiner:

A telephone interview was conducted between Examiner Wu and Applicant's representative Phillip Articola, on February 26, 2010, in which proposed claim amendments and the rejections raised in the final Office Action were discussed.

Claim Rejections – Prior Art:

In the final Office Action, claims 1-2, 8-12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2003/0152075 to Hawthorne et al. and further in view of U.S. Patent Publication No. 2002/0061745 to Ahn; claims 3 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2003/0156542 to Connor; claims 4, 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Hawthorne et al. and Ahn, further in view of Connor; claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Hawthorne et al. and Ahn, further in view of U.S. Patent Publication No. 2002/0058530 to Akama; claims 7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of

Hawthorne et al. and Ahn, further in view of "Overview of the IEEE 802.11 Standard," to Geier; claims 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Hawthorne et al., Ahn and Connor, further in view of "Overview of the IEEE 802.11 Standard," to Geier; and claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Hawthorne et al., Ahn and Connor, further in view of Geier and U.S. Patent No. 6,505,114 to Luciani. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below (the rejection of claims 3 and 13 has been overcome due to the cancellation of those claims).

Presently pending independent claim 1 recites, among other things:

a) *to obtain, via the wireless communication means, the electric field intensity of a channel as a subject of survey and identification data of a dealer, which is transmitted on the channel,*

b) *check whether the obtained identification data is identical with identification data of the user's own subscribed hot spot dealer, which is stored in the preset data storing means;*

c) *when the obtained identification data is identical with the identification data of the user's own subscribed hot spot dealer, to output data for display on the display means to enable the user to determine that the obtained electric field intensity is that of the user's own subscribed hot spot dealer; and*

d) *when the obtained identification data is identical with the identification data of the roaming contract relation dealer, to output data for display on the display means to enable the user to determine that the obtained electric field intensity is that of the roaming contract relation dealer.*

In contrast to the above features recited in claim 1, Barnes merely discloses the following three independent operations (actions) that have no direct relationship to each other.

i) A communication device establishes a communication link with a Point of Interest (PI) based on the strength of a communication signal (paragraph 0032, lines 17-18);

ii) A communication device or a remote compute executes user authentication based on authentication data (password, PIN number, voice data, face data, iris data, fingerprint data, etc., as described in paragraph 0110); and

iii) A communication device receives and processes a television signal and provides a representation of the television signal to a display for presentation to a user (paragraph 0045).

That is, Barnes does not teach or suggest the above-listed features a) through d) of claim 1, which have a strong relationship to each other.

Furthermore, in its rejection of claim 1, the final Office Action asserts that paragraph 0110 of Barnes describes the user's own subscribed hot spot dealer as being the authentication data of the user in the system of Barnes. From this, the final Office Action correctly recognizes that Barnes does not teach or suggest that the identification data of the hot spot dealer corresponds to an identification code that is unique to the hot spot dealer and is the same for all other users who are subscribed to the hot spot dealer. However, the final Office Action goes on to assert that Hawthorne discloses a user that is subscribed corresponding to an identification code that is unique to a service provider that is the same for all other users who are subscribed to the service provider, and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Barnes and Hawthorne to use a unique service provider ID by all users to access the service provider for benefit of simplicity.

Applicant strongly disagrees with the several assertions made in the Office Action with respect to the purported combining of Barnes and Hawthorne. First, paragraphs 0110-0115 of Barnes describe that authentication data is used to determine whether a user's voice, face, iris, finger print, or other input matches data stored in memory. That data is provided to a remote computer, which uses it as <u>authentication data</u> to decide whether or not the user of the computer is an authorized user. <u>Clearly, this authentication data in Barnes is data unique to a user, and it is not data of a hot spot dealer that is the same for each user of the hot spot dealer.</u>

In the final Office Action, it asserts that it would have been obvious to combine Barnes with Hawthorne to use a unique service provider ID by all users to access a service

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provider for benefit of simplicity. However, as argued in the previously-filed response, modifying the authentication data in Barnes to generic service provider data that is the same for all users would destroy all of the authentication and validation purposes of that data as utilized in Barnes (since that data is unique to a user, and not to a general service provider in the system of Barnes). As such, there is no motivation to combine the teachings of Hawthorne with those of Barnes in the manner set forth in the final Office Action.

On page 2 of the final Office Action, in the "Response to Amendments/Remarks" section, it asserts that "the combination of Barnes and Hawthorne discloses all limitation of the claim . . . This is like a mobile phone user subscribing to a service provider (hot spot dealer) such as Verizon or AT&T: Hawthorne discloses the ID of Verizon or AT&T, while Hawthorne address user authentication data assuming service provider ID is known." In Hawthorne, the data sent over the shared VLAN ID 20 include data from Customer A, data from Customer B, and data from Customer C, in which additional packet processing is needed at the service provider network to prevent different customers from seeing each other's traffic. As such, authentication at the "user level" is used to differentiate, at the service provider network 110, traffic on VLAN ID 20 from Customer A from traffic on VLAN ID 20 from Customers B and C. There is no other VLANs that are competing with the traffic output by Customers A, B and C in the system of Hawthorne (each Customer uses its own VLAN ID 20), and so it makes no sense to check a VLAN ID in that system, since the checking is performed at the "user" level to differentiate the traffic flowing on the VLAN.

Still further, even if the teachings of Hawthorne could be combined with the teachings of Barnes, such combined teachings would not teach or suggest the above-listed features a) through d) of claim 1.

Accordingly, independent claim 1, as well as independent claim 11 that recites similar features, patentably distinguish over the cited art of record.

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___3/2/2010___   By _____

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